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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,296	08/18/2003	Stephen F. Gass	SDT 342	4191
27630	7590	06/08/2005		
SD3, LLC 22409 S.W. NEWLAND ROAD WILSONVILLE, OR 97070			EXAMINER ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,296	Applicant(s) GASS ET AL.	
	Examiner Boyer D. Ashley	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/27/05; 12/19/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet.</u> |

Continuation of Attachment(s) 6). Other: 1449's - 12/9/04; 9/6/04; 8/17/04; 4/29/04; 4/17/04; 3/11/04; 2/12/04.

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DETAILED ACTION

It should be noted that for the purpose of this office action the below rejections under 35 U.S.C. 101 (double patenting) are being made under the assumption that the applications were not commonly owned at the time of applicant's invention. It should further be noted that rejections under 35 U.S.C 102(a) and 102(e) using the same U.S. Patent Applications/Publications have not been made because they do not qualify as prior art as their filing dates are not before the filing date of the instant application.

Additionally, it should be noted that the below double patenting rejections are based upon known and available co-pending applications and although it is believed that all appropriate rejections have been made, Applicant's help in determining all appropriate double patenting rejections with all of Applicant's applications is requested because of the large number of similar applications.

Election/Restrictions

1. Applicant's election without traverse of Species I and A in the reply filed on 4/28/05 is acknowledged.
2. Claims 2-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/28/05.

Priority

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e). See 37 CFR 1.78.

SPECIAL CIRCUMSTANCES OF THIS APPLICATION:

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4. Even if a copending application is listed as a parent to the instant application and material information is technically of record in one or more parent applications, the unusually large number of applicant's cases in varying stages of the examination process might result in one or more parent applications not being readily available for review, or material information of record not being readily apparent. Applicant should point out such material information to the examiner of the instant application if the criteria for materiality applies, and if the examination record provides applicant reason to believe such information has not been considered by the examiner.

If, to the best of applicant's knowledge, applicant has no previous patent or copending application, which would meet the definition of "material," applicant is requested to make a statement of that fact of record.

Any parent application labeled as a CIP or Divisional is assumed to claim a patentably distinct invention from the claims of this application and therefore the issue of double patenting has not been considered and the rights to priority are limited to the common disclosed subject matter unless it is brought to the examiners attention that some claims are not distinct.

37 CFR 1.56 is cited here:

37 CFR 1.56. Duty to disclose information material to patentability.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

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1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 09/929,426 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '426 claims the invention as substantially as claimed including a woodworking machine having a safety and reaction system for preventing injury to a user; however, application '426 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '426 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

7. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-4, 9-12, and

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19 of copending Application No. 09/929,227 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '227 claims the invention as substantially as claimed including a woodworking machine having a safety and reaction system for preventing injury to a user; however, application '227 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '227 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

8. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 9-10, 12-14, 16-17, 19-20 of copending Application No. 09/929,221 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '221 claims the invention as substantially as claimed including a woodworking machine having a safety and reaction system for preventing injury to a user; however, application '221 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character

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11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '221 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

9. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 8-15, 21, 25-26, and 30-34 of copending Application No. 09/929,240 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '240 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '240 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '240 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

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10. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 17, and 20-22 of copending Application No. 09/929,241 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '241 claims the invention as substantially as claimed including a woodworking machine having a safety and reaction system for preventing injury to a user; however, application '241 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '241 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

11. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 28 of copending Application No. 09/929,242

Application '242 anticipates the claim language of claim 1 because application '242 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

This is a provisional obviousness-type double patenting rejection.

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12. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6-7, 10-11, and 20-27 of copending Application No. 09/929,236 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '236 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '236 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '236 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

13. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,857,345 in view of Suzuki et al.

U.S. Patent '345 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, U.S. Patent '345 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a

base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the U.S. Patent '345 with the miter saw structure of Suzuki et al.

14. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 11, 20-21, 23, 28, and 30 of copending Application No. 09/929,237 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '237 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '237 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '237 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

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15. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8-11, 16-17, 19, and 20 of copending Application No. 09/929,234 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '234 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '234 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '234 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

16. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 7, 9, and 17-28 of copending Application No. 09/929,425 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '425 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '425 is silent as to the type of woodworking machine. Suzuki et al.

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discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character I1 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '425 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

17. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, 9, and 11-16 of copending Application No. 09/929,226 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '226 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '226 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character I1 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '226 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

18. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13 and 14 of copending Application No. 09/929,235 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '235 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '235 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '235 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

19. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 30 of copending Application No. 09/929,238

Application '238 anticipates the claim language of claim 1 because application '238 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

This is a provisional obviousness-type double patenting rejection.

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20. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 39 of copending Application No. 09/676,190

Application '190 anticipates the claim language of claim 1 because application '190 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

This is a provisional obviousness-type double patenting rejection.

21. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,880,440.

U.S. Patent '440 anticipates the claim language of claim 1 because U.S. Patent '440 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

22. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,813,983.

U.S. Patent '983 anticipates the claim language of claim 1 because U.S. Patent '983 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

23. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-8 of U.S. Patent No. 6,826,988.

U.S. Patent '988 anticipates the claim language of claim 1 because U.S. Patent '988 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

24. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 and 21-29 of copending Application No. 10/047,066 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '066 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '066 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '066 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

25. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,877,410.

U.S. Patent '410 anticipates the claim language of claim 1 because U.S. Patent '410 claims the same invention as claimed including a miter saw having a safety and reaction system for preventing injury to a user.

26. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 19 of copending Application No. 10/100,211 in view of Suzuki et al., U.S. Patent 5,791,224.

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Application '211 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '211 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '211 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

27. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/172,553 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '553 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '553 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention was made to use the safety and reaction system of the application '553 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

28. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/189,031 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '031 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '031 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '031 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

29. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13, 15, 19, and 20 of copending Application No. 10/785,361 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '361 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '361 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '361 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

30. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/243,042 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '042 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '042 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to use the safety and reaction system of the application '042 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

31. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 10/292,607 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '607 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '607 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '607 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

32. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/345,630 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '630 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user;

however, application '630 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character I1 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '630 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

33. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/794,161 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '161 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '161 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character I1 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '161 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

34. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 11/061,162 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '162 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '162 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '161 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

35. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/932,339 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '339 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '339 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a

base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '339 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

36. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 20 of copending Application No. 10/923,290 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '290 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '290 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '290 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

37. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/923,282 in view of Suzuki et al., U.S. Patent 5,791,224.

Application '282 claims the invention as substantially as claimed including a cutting machine having a safety and reaction system for preventing injury to a user; however, application '282 is silent as to the type of woodworking machine. Suzuki et al. discloses that miter saws are old and well known woodworking machines with, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the safety and reaction system of the application '282 with the miter saw structure of Suzuki et al.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

39. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al, U.S. Patent 5,791,224, in view of Lokey, U.S. Patent 3,785,230, or Friemann et al., U.S. Patent 3,858,095, or Yoneda, U.S. Patent 4,117,752, or DE 19,609,771.

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Suzuki et al. discloses the invention substantially as claimed, including, e.g., a base (1); a fence (the unlabeled workpiece abutment above reference character 11 in Figure 1); a motor (column 6, line 25-26); a rotatable blade (15) driven by the motor; and a pivot arm assembly (10) associated with the base and supporting the blade. The Suzuki et al. lacks the safety system adapted to detect the occurrence of an unsafe condition between a person and the blade and a reaction subsystem adapted to mitigate the unsafe condition by disabling mechanism adapted to disable at least a portion of the blade upon detection of the unsafe condition.

However, Lokey, Friemann et al., Yoneda, and DE 19,609,771 all discloses that it is old and well known in the art to use safety systems that detect unsafe conditions between a person and the blade and reaction systems that include disabling the blade by braking the blade or retracting the blade for the purpose of protecting the user from injury. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use one of the safety and reaction systems of Lokey, Friemann et al., Yoneda, DE 19,690,771 with the miter saw of Suzuki et al. in order to prevent injury to the user.

Conclusion

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art references cited but not relied upon were cited to shown similar devices in the art.

Art Unit: 3724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Handwritten signature of Boyer D. Ashley, consisting of a stylized 'B' and 'A'.

Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
May 15, 2005